

REMARKS

This amendment is in response to the final action of June 1, 2007 in which claims 1-32 were rejected. Various typographical errors associated with the last amendment have been corrected. Also, the timer “means” of claim 12 has been replaced with a timer --device--. Entry is requested. Also, reconsideration is requested in light of the remarks that follow.

The Examiner has modified the rejection of the current independent claims on the basis of *Averbuch et al* (US 5,689,825) alone to become an obviousness rejection further based on *Kahn* (US 6,505,055).

Regarding the *Averbuch et al* reference, it discloses a portable wireless communication unit (PU) that is coupled to a battery charger/software downloader (BC/SD), which determines if a flag indicating availability of updated software is set in the memory of the PU.

After the BC/SD has detected the flag, it receives the PU-specific priority indication from the PU. The BC/SD decides the best time to contact a server on the grounds of the priority indication and a connection usage profile, which is determined in the BC/SD.

The BC/SD initiates the communication with the server through a land-based public communication network and it sends download session parameters based on e.g. the priority indication, the usage profile, and the size of updated software.

Based on the parameters, the server transfers updated software to the memory of the BC/SD. After the data transfer between the server and the BC/SD has been completed, the BC/SD transfers the updated software stored in its memory to the memory of the PU (column 4 line 44-column 6 line 41 and figure 4).

The main difference between the present invention and *Averbuch et al* is that in *Averbuch et al* the BC/SD is the active part of the download process. In the present invention the

mobile wireless communication terminal has an active role and the charging device has the passive role where it can function e.g. as an extra memory for the terminal.

The Examiner interprets that the flag detection in the PU and the “delayed” download process because of priority indications (col. 5 line 1 – col. 6 line 62) as corresponding to the claimed feature of “*receiving in a mobile wireless communication terminal one or more instructions to respectively perform one or more tasks that can be executed in said terminal with a delay*”. If, for the sake of argument, we interpret the flags of *Averbuch et al* as indicating the availability of updated software as “instructions to perform tasks,” even then there is no task execution in the PU that is delayed. Such a delay would actually concern the download process of the BC/SD.

The Examiner’s argument continues along the line that the blocks of updated software stored by the BC/SD (col. 5 lines 39-67) and the flags in the PU (col. 4 line 54-col. 5 line 12) correspond to the claimed feature of “*storing said instructions in a queue in said terminal*”. Firstly, the claimed term “said terminal” refers explicitly to the mobile wireless communication terminal, not the charging device. Secondly, if something is stored in the queue in the PU, there is no mention about anything like that in *Averbuch et al*.

According the Examiner, the placing of the PU in the BC/SD (fig. 4 and col. 4 lines 49-53) corresponds to the claimed feature of “*checking in said terminal whether said terminal is coupled to charging device*”. There is no indication in *Averbuch et al* that the PU checks whether it is coupled to the BC/SD. In addition, it seems that in *Averbuch et al* it is the active part, the BC/SD, which provides the checking.

In view of the foregoing, reconsideration is requested and withdrawal of the obviousness rejection of claims 1-4, 6-14, 21-22 and 26-32.

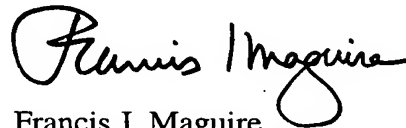
Regarding the obviousness rejection of the dependent claims 15-16 and 23-25 based on *Averbuch et al* in view of *Cannon et al* (US 2001/0055978), these are at least patentable for the same reasons as given above and withdrawal of the obviousness rejection is also requested.

Regarding the obviousness rejection of claims 17-20 based on *Averbuch et al* in view of *Nishiyama* (US 5,511,240), these are at least patentable for the same reasons as given above and withdrawal of the obviousness rejection is also requested.

Regarding the obviousness rejection of claim 5 based on *Averbuch et al* in view of *Desai* (US 5,991,635), it is at least patentable for the same reasons as given above and withdrawal of the obviousness rejection is also requested.

The objections and rejections of the final action of June 1, 2007, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-32 to issue is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire". The signature is fluid and cursive, with the first name "Francis" and last name "Maguire" clearly distinguishable.

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